

OGC 76-2826

27 May 1976

MEMORANDUM FOR: Freedom of Information and Privacy Acts Officers

SUBJECT : FOI Requests by Relatives of and/or Administrators for
Estates of Decedents Who Were Affiliated with CIA

1. Subject type requests have been occurring with increased frequency. Based on the necessity to maintain the integrity of the Bachrack principle and decision, it is therefore proposed that:

- a. Requests for information on those who were covert employees, contract employees, or agents will be responded to in a manner consistent with the Bachrack litigation. The essential format for such a response is:

The fact of a relationship of such an individual with this Agency may neither be confirmed nor denied since the existence of any such relationship would be classified pursuant to Executive Order 11652, and would also involve information relating to intelligence sources and methods which the Director of Central Intelligence must protect pursuant to section 102(d)(3) of the National Security Act of 1947 and section 6 of the Central Intelligence Agency Act of 1949. Thus, Freedom of Information Act exemptions (b)(1) and (b)(3) are applicable.

- b. Requests for information on overt employees (i.e., those whom the Agency will confirm Agency employment) should be responded to in a substantive manner.

OGC Has Reviewed

2. Extreme care, including close attention to dates of documents, should be utilized for those covert employees who have had their cover lifted.



Freedom of Information and
Privacy Law Division
Office of General Counsel

STAT

CONCUR:



Assistant General Counsel

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